

MOLLSTAM
Application No. 10/530,409

REMARKS

Reconsideration of this application is respectfully requested. To this end, petition is hereby made for a one-month extension of time to respond to the outstanding Office Action dated August 19, 2008.

Claims 1-7 are pending in the application. Upon entry of this Amendment, claims 1 – 7 will be amended to clarify the claimed invention and/or to conform the claims to U.S. claim practice by eliminating reference numerals and new claim 8 will be added.

In the outstanding Office Action of August 19, 2008, the Examiner objected to claims 1, 2 and 7 because of certain phraseology used in such claims, specifically “for example”, “i.e.” and “e.g.” Claims 1, 2 and 7 have now been amended to remove the phraseology objected to by the Examiner. Accordingly, the Examiner’s objection to claims 1, 2 and 7 should now be withdrawn.

In the outstanding Office Action, the Examiner also rejected claims 1-7 under 35 U.S.C. §102(b) as being anticipated by Sasse *et al.* (U.S. 2001/0020148 A1) (hereafter “Sasse”). The Examiner’s rejection is respectfully traversed.

For a claim to be anticipated by a cited reference, every element of the claim must be disclosed in the reference. Here, amended independent claim 1 of the present application, the only independent claim pending in the application, is not anticipated by Sasse because Sasse does not disclose the mounting arrangement described in claim 1 used to improve the interaction between an information carrier for identifying a sterile product to co-act with a reading element connected to a piece of medical equipment.

MOLLSTAM
Application No. 10/530,409

Amended independent claim 1 describes a medical-technical identification device for identifying a one-time-use only sterile product when the product is connected to a piece of medical equipment. Mounted on the sterile product is an information carrier that delivers or offers specific product information in a contactless fashion to a reading element connected to the piece of medical equipment. Claim 1 describes the information carrier as being mounted in a fixed relation to a first slide surface of the sterile product. The first slide surface co-acts directly with a second slide surface of a seat fixedly mounted on the piece of medical equipment. The seat includes the reading element. The second slide surface corresponds to the first slide surface so as to bring the information carrier and the reading element into alignment with one another.

Sasse discloses a medical apparatus with an accessory port and at least one accessory piece with a connection element complementary to the accessory port. The connection element includes a storage unit where coded identification information is stored. When the accessory piece is connected to the apparatus, coded or un-coded identification information is read by a readout unit in the section of the accessory port. The medical device is activated when the identification information matches the stored identification information, and blocked when the identification information does not match the stored information.

Figures 1 and 2 of Sasse show a sterile product that is a flexible hose 4. The hose 4 is mounted in a hose cassette 1, which, in turn, is mounted on a peristaltic pump housing 2. The housing 3 of hose cassette 1 includes connection elements 7 and 8 for connecting housing 3 onto connection elements 23, 24 located on the outside wall 22 of

MOLLSTAM
Application No. 10/530,409

peristaltic pump housing 21. Connection elements 23, 24 are complementary to connection elements 7, 8 of cassette 1.

Figure 1 of Sasse shows various embodiments of storage units, namely a magnetic tape 40, a micro-chip 41, and a transponder 42 in which the identification information is stored. Figure 2 of Sasse shows, for reading the identification information stored, various readout units, namely a magnetic tape reader 43 for magnetic tape 40, a device 44 for contacting micro-chip 41, and a transponder scanning transceiver 45 for information exchange with transponder 42.

The arrangement disclosed in Sasse for identifying a sterile product is different from the arrangement described in amended claim 1 of the present application. Sasse's arrangement requires that the flexible hose is first mounted in a fixed position in a cassette that includes the identification information, which cassette with the hose is then mounted onto the medical equipment with which the hose is used, that is the peristaltic pump. Thus, Sasse's arrangement requires two mounting steps before the medical equipment can be activated for use.

The arrangement described in amended independent claim 1 of the present application for identifying a sterile product is different from Sasse's arrangement. In that the arrangement of claim 1, the information carrier is mounted in a fixed relation to a first slide surface of the sterile product that co-acts directly with a second slide surface of a seat fixedly mounted on the piece of medical equipment. The seat includes the reading element, and the second slide surface corresponds to the first slide surface so as to bring the information carrier and the reading element into alignment with one

MOLLSTAM
Application No. 10/530,409

another. Thus, the arrangement of claim 1 requires only one mounting step before the equipment can be activated for use, which is both time saving and more failsafe than the equipment disclosed in Sasse. The first and second slide surfaces on the sterile product and medical equipment seat used in the present invention makes the location of the information carrier in relation to the reading element very exact, in that data transmission between these parts is optimized. Thus, these surfaces insure a proper alignment between the information carrier and the reading element. In contrast, in Sasse proper alignment between a storage unit containing identification information and a readout unit is achieved by using a hose cassette in which the flexible hose is mounted.

Thus, amended independent claim 1 of the present application is not anticipated by Sasse. And because dependent claims 2 – 7 depend either directly or indirectly from claim 1, such claims are also not anticipated by Sasse.

New independent claim 8 is also not anticipated by Sasse because, here again, Sasse does not disclose the mounting arrangement described in claim 8 used to improve the interaction between an information carrier for identifying a sterile product to co-act with a reading element connected to a piece of medical equipment. Like claim 1, claim 8 describes the information carrier as being mounted in a fixed relation to a first slide surface of the sterile product, the first slide surface as co-acting directly with a second slide surface of a seat fixedly mounted on the piece of medical equipment and including the reading element, and the second slide surface as corresponding to the first

MOLLSTAM
Application No. 10/530,409

slide surface so as to bring the information carrier and the reading element into alignment with one another

In view of the foregoing, it is believed that all of the claims pending in the application, *i.e.*, claims 1. – 8, are now in condition for allowance, which action is earnestly solicited. If any issues remain in this application, the Examiner is urged to contact the undersigned at the telephone number listed below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

Robert A. Molan

Robert A. Molan

Reg. No. 29,834

RAM:dt

901 North Glebe Road, 11th Floor
Arlington, VA 22203
Telephone: (703) 816-4000
Facsimile: (703) 816-4100